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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

| | |
|------------------------|------------------|
| Application Number | 10/565,262 |
| Filing Date | January 18, 2006 |
| First Named Inventor | Ronald P. Lesser |
| Art Unit | N/A |
| Examiner Name | Not Yet Assigned |
| Attorney Docket Number | 61612(71699) |

ENCLOSURES (Check all that apply)

| | | |
|--|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Part 2 Copy of Notice Declaration Recordation Cover Sheet Assignment Return Receipt Postcard |
| <div>Remarks</div> | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|-----------------------------------|----------|--------|
| Firm Name | EDWARDS ANGELL PALMER & DODGE LLP | | |
| Signature | | | |
| Printed name | Steven M. Jensen | | |
| Date | April 2, 2008 | Reg. No. | 42,693 |



Docket No.: 61612(71699)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ronald P. Lesser et al.

Application No.: 10/565,262

Filed: January 18, 2006

For: SYSTEM AND METHOD FOR TREATING
NAUSEA AND VOMITING BY VAGUS
NERVE STIMULATION

Confirmation No.: 9788

Art Unit: N/A

Examiner: Not Yet Assigned

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Missing Requirements – Filing Date
Granted mailed February 14, 2008, Applicant respectfully submits a Combined
Declaration and Power of Attorney and Part 2 Copy of Notice.

Please charge our Deposit Account No. 04-1105 in the amount of \$65.00
covering the fee set forth in 37 CFR 1.16(f). The Director is hereby authorized to
charge any deficiency in the fees filed, asserted to be filed or which should have been
filed herewith (or with any paper hereafter filed in this application by this firm) to our

04/04/2008 GFREY1 00000086 041105 10565262
01 FC:2617 65.00 DA

Deposit Account No. 04-1105, under Order No. 61612(71699). A duplicate copy of this paper is enclosed.

Dated: April 2, 2008

Respectfully submitted,

By 

Steven M. Jensen

Registration No.: 42,693

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UNITED STATES PATENT AND TRADEMARK OFFICE

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| | | |
|--|-----------------------|---|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/565,262 | Ronald P. Lesser | 6161271699 |
| 21874 EDWARDS ANGELL PALMER & DODGE LLP P.O. BOX 55874 BOSTON, MA 02205 | | INTERNATIONAL APPLICATION NO. PCT/US04/23146 |
| | | I.A. FILING DATE 07/19/2004 |
| | | PRIORITY DATE 07/18/2003 |

CONFIRMATION NO. 9788
371 FORMALITIES LETTER



Date Mailed: 02/14/2008

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 01/18/2006
- Copy of the International Search Report filed on 01/18/2006
- Preliminary Amendments filed on 01/18/2006
- Information Disclosure Statements filed on 01/18/2006
- Request for Immediate Examination filed on 01/18/2006
- U.S. Basic National Fees filed on 01/18/2006
- Priority Documents filed on 01/18/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

